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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,754	01/22/2002	Steven B. Dunn	MBI-1085	5503

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KNOBLE & YOSHIDA, LLC
Suite 1350
Eight Penn Center
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103

EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,754

Applicant(s)

Steven Dunn et al.

Examiner

David Purol

Art Unit

3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 22, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 22, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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1. The abstract of the disclosure is objected to because of the inclusion of legal phraseology "said". Correction is required. See MPEP § 608.01(b).

2. The drawings are objected to because of the inclusion of written descriptive matter. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Claims 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims recite that the suction cups are constructed and arranged so as to have a force of adhesion and then further specify a range of force. However, these claims do not recite any structure of the suction cups which would permit them to have a force of adhesion within the specified range of force.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

41, 43-44

Claims 1, 2, 9-18, 27, 41-44 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lii '467. Lii '467 discloses the claimed invention including a housing 8, a drum member 1, a shade element 12, a biased retraction and arresting mechanism 2, 5, 4, 3, 61, 615, 71, 72, 70, 7, 32, 611, 31, a first mounting means 82, 83.

5. Claims 23-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by McGuire. McGuire discloses the claimed invention including marker elements 27.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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23-26


Claims 3-8_u are rejected under 35 U.S.C. 103(a) as being unpatentable over Lii '467 in view of McGuire. Lii '467 discloses the claimed invention absent the use of marker elements. McGuire discloses a retractable weblike vehicle apparatus comprising a marker element 27, wherein, to incorporate this teaching into the sunshade of Lii '467 for the purpose of entertainment or aesthetics would have been obvious to one of ordinary skill in the art.

30, 33-40, 45

7. Claims 19-22, [28-40]_u are rejected under 35 U.S.C. 103(a) as being unpatentable over Lii '467 in view of Park. Lii '467 discloses the claimed invention absent the specific use of suction cups for mounting the sunshade. Park discloses a vehicle sunshade comprising suction cups including a gripping member 5,4,2, wherein, to incorporate this teaching into the sunshade of Lii '467 for its explicit purpose of mounting the sunshade would have been obvious to one of ordinary skill in the art. As to the specific dimension of the gripping member, inasmuch as there is nothing to indicate that the recited range is significant or anything more than one of numerous dimensions one having ordinary skill in the art would have found obvious for the purpose of facilitating the operation of the shade, no patentable weight has been attributed thereto.

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8. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Eubanks, Lin, Lii '533 and '332, Chen, Bryngelson, Hwang, Lupul, Seidel.


David M. Purol
Primary Examiner
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